

The Naval Reservist

Retirement Pay Is No Longer Restricted By The Dual Compensation Statute

Commissioned officers of the Naval Reserve who are retired under the provisions of Public Law 810, 80th Congress, are no longer subject to the so-called "dual compensation statute," according to a recent ruling by the Comptroller General of the United States.

Previously, such officers who were in receipt of more than \$10,000 in combined retirement income and salary from Government jobs were required to waive the amount in excess of \$10,000 from one or the other so long as they continued to be employed by the Federal Government.

In decision B123382, of 2 Mar 1956, the Comptroller General ruled that the

Court of Claims decision in the "Tanner Case" would be followed and the decision would be used as a precedent for retroactive and prospective payment of military retired pay.

Accordingly, Reserve officers who were in a retired status on or after 1 Jan 1953 are entitled to retroactive payments of the amount of retirement income waived. Retroactive payments will not be made for amounts waived prior to 1 Jan 1953. Further, the officer must have been in a retired status on or after that date in order to qualify for retroactive payment.

BuPers Instruction 1820.1A will be changed to reflect the Comptroller General's decision.